

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA)	Criminal No. 1:21-cr-10046-RGS
)	
v.)	Violations:
)	
ROOSEVELT FERNANDEZ,)	<u>Counts One and Three:</u> Wire Fraud
)	(18 U.S.C. § 1343)
)	
Defendant)	<u>Count Two:</u> Aggravated Identity Theft
)	(18 U.S.C. § 1028A)
)	
)	<u>Forfeiture Allegation:</u>
)	(18 U.S.C. § 981(a)(1)(C) and
)	28 U.S.C. § 2461)

SUPERSEDING INFORMATION

At all times relevant to this Superseding Information:

General Allegations

1. Defendant Roosevelt Fernandez (“FERNANDEZ”) was an individual residing in Salem, Massachusetts.
2. FERNANDEZ operated a business known as Soluciones Multi Service (“SMS”).
3. In or about 2018, FERNANDEZ obtained an Employment Identification Number (“EIN”) in the name of SMS. FERNANDEZ used this EIN to establish a business checking account for SMS at Santander Bank.
4. The United States Small Business Administration (“SBA”) was an agency of the executive branch of the United States government. The mission of the SBA was to maintain and strengthen the nation’s economy by enabling the establishment and viability of small businesses and by assisting in the economic recovery of communities after disasters. As part of this effort,

the SBA enabled and provided for loans, guaranteed by the government, through banks, credit unions, and other lenders.

5. The Coronavirus Aid, Relief, and Economic Security (“CARES”) Act was a federal law enacted in March 2020 to provide emergency financial assistance to Americans suffering the economic effects of the COVID-19 pandemic. Among other things, the CARES Act expanded the SBA’s Economic Injury Disaster Loan (“EIDL”) program to provide loans of up to \$2 million to small businesses that suffered “substantial economic injury” from COVID-19. The EIDL program required recipients to use EIDL funds only on certain business expenses, including payments of fixed business debts and payroll.

6. EIDL funds were issued directly from the United States Treasury. Applicants applied through the SBA via an online portal. The EIDL application process required applicants to provide information concerning the affected business, including the number of employees, gross revenues, and costs of goods sold in the 12 months prior to January 31, 2020, as well as information about the business owner. Applicants electronically certified that the information provided was accurate.

7. The SBA relied on the information provided by the applicant to determine how much money the small business was eligible to receive in the form of EIDL funds. Additionally, by checking a box in the online EIDL application, an applicant could request and receive \$1,000 per employee, up to \$10,000, in an EIDL Cash Advance Grant. The applicant was not required to repay an EIDL Cash Advance Grant, even if (i) the SBA ultimately denied the EIDL application or (ii) the applicant ultimately declined the loan.

Scheme to Defraud #1 – Tax Refunds

8. From in or about 2018 through in or about December 2020, FERNANDEZ engaged in a scheme to defraud the United States Internal Revenue Service (“IRS”) and the Commonwealth of Massachusetts, Department of Revenue (“DOR”) by filing fraudulent personal tax returns in the names of real people.

9. In furtherance of this scheme, FERNANDEZ obtained identity information regarding various individuals (the “taxpayers”) and prepared fraudulent personal tax returns in their names but without their permission.

10. On the fraudulent tax returns, FERNANDEZ falsely indicated that the taxpayers were entitled to large refunds, attached fraudulent W-2s that provided false employment information regarding the taxpayers, and listed his home address in Salem, Massachusetts as the taxpayers’ address.

11. FERNANDEZ filed the fraudulent tax returns electronically from Massachusetts. Each of the federal tax returns, Forms 1040, was then transmitted electronically to an IRS processing center outside of Massachusetts.

12. As a result of the fraudulent returns, FERNANDEZ received IRS and DOR refund checks in the names of the taxpayers. FERNANDEZ received the refund checks via mail at his home address.

13. Upon receipt of the fraudulent refund checks, FERNANDEZ deposited them into an SMS bank account that he controlled.

14. As a result of the filing of one fraudulent tax return, FERNANDEZ also received a Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”) stimulus check in the name of a taxpayer and deposited this check into the SMS bank account.

15. FERNANDEZ withdrew and used the proceeds of the IRS and DOR checks written in the names of the taxpayers for his own personal benefit.

Scheme to Defraud #2 – EIDL Applications

16. From in or about June 2020 through in or around December 2020, FERNANDEZ engaged in a scheme to defraud the SBA by submitting fraudulent EIDL applications.

17. In furtherance of this scheme, FERNANDEZ submitted more than 10 EIDL applications that reflected false information about the revenue and operations of the applying entities.

18. On June 4, 2020, FERNANDEZ submitted an online EIDL application in the name of SMS, and included fraudulent 2019 tax filings in support of this application.

19. As a result of this application, the SBA deposited \$124,900 into an SMS bank account that FERNANDEZ controlled.

20. On August 9, 2020, FERNANDEZ submitted an online EIDL application in the name of Fernandez International, and included fraudulent 2019 tax filings in support of this application.

21. As a result of this application, the SBA deposited \$149,900 into an SMS bank account that FERNANDEZ controlled.

22. FERNANDEZ withdrew and used certain proceeds from these EIDLs for his own personal benefit.

COUNT ONE
Wire Fraud
(18 U.S.C. § 1343)

The United States Attorney charges:

23. The United States Attorney re-alleges and incorporates by reference paragraphs 1-15 of this Superseding Information.

24. On or about February 6, 2020, in the District of Massachusetts, and elsewhere, the defendant,

ROOSEVELT FERNANDEZ,

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme to defraud, that is, he electronically filed a 2019 Form 1040, U.S. Individual Income Tax Return from Massachusetts in the name of a person whose initials are X.G.

All in violation of Title 18, United State Code, Section 1343.

COUNT TWO
Aggravated Identity Theft
(18 U.S.C. § 1028A)

The United States Attorney further charges:

25. The United States Attorney re-alleges and incorporates by reference paragraphs 1-15 of this Superseding Information.

26. On or about February 6, 2020, in the District of Massachusetts, and elsewhere, the defendant,

ROOSEVELT FERNANDEZ,

did knowingly transfer, possess, and use, without lawful authority, a means of identification of another person during and in relation to a felony violation enumerated in 18 U.S.C. § 1028A(c), that is, wire fraud, in violation of 18 U.S.C. § 1343, as charged in Count One.

All in violation of Title 18, United States Code, Section 1028A(a)(1).

COUNT THREE
Wire Fraud
(18 U.S.C. § 1343)

The United States Attorney further charges:

27. The United States Attorney re-alleges and incorporates by reference paragraphs 1-7 and 16-22 of this Superseding Information.

28. On or about June 4, 2020, in the District of Massachusetts, and elsewhere, the defendant,

ROOSEVELT FERNANDEZ,

having devised and intending to devise a scheme and artifice to defraud, and for obtaining money and property by means of materially false and fraudulent pretenses, representations, and promises, did transmit and cause to be transmitted by means of wire communications in interstate and foreign commerce, writings, signs, signals, pictures, and sounds for the purpose of executing the scheme to defraud, that is, he electronically submitted a fraudulent EIDL application for Soluciones Multi Service.

All in violation of Title 18, United State Code, Section 1343.

FORFEITURE ALLEGATION
(18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c))

1. Upon conviction of any offense in violation of Title 18, United States Code, Section 1343, set forth in Counts One and Three, the defendant,

ROOSEVELT FERNANDEZ,

shall forfeit to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), any property, real or personal, which constitutes or is derived from proceeds traceable to the offenses.


2. If any of the property described in Paragraph 1, above, as being forfeitable pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c), as a result of any act or omission of the defendant –

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred or sold to, or deposited with, a third party;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value; or
- e. has been commingled with other property which cannot be divided without difficulty;

it is the intention of the United States, pursuant to Title 28, United States Code, Section 2461(c), incorporating Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the property described in Paragraph 1 above.

All pursuant to Title 18, United States Code, Section 981(a)(1)(C), and Title 28, United States Code, Section 2461(c).

NATHANIEL R. MENDELL
Acting United States Attorney

By: 

WILLIAM F. ABELY
Assistant U.S. Attorney